

CONDENSED LICENSING RULES – PUBLIC CARD ROOM EMPLOYEE

WAC 230-02-205 GAMBLING SERVICE SUPPLIER DEFINED. A "gambling service supplier" is any person who provides gambling related services for compensation, whether directly or indirectly.

(1) Gambling related services include at least the following:

(a) Providing consulting or advisory services regarding gambling activities;

(b) Providing gambling related management services;

(c) Providing financing for purchases or leases of gambling equipment or for providing infrastructure that supports gambling operations for more than one licensee. For purposes of this section, financing by any bank, mutual savings bank, or credit union regulated by the department of financial institutions or any federally regulated commercial lending institution shall not be deemed as providing gambling related services;

(d) Providing any other service or activity where influence may be exerted over any gambling activity licensed by the commission;

(e) Providing assembly of components for gambling equipment under a contract with a licensed manufacturer;

(f) Providing installation, integration, maintenance, or any other service of digital surveillance systems that allows direct access to the operating system; or

(g) Training individuals to conduct authorized gambling activities.

(2) The term "gambling services supplier" does not include the following:

(a) Universities and colleges that are regulated by the Washington state board of community and technical colleges and the higher education coordinating board which train individuals to conduct authorized gambling activities;

(b) Licensed manufacturers or distributors who service and repair pull-tab dispensing devices, bingo equipment or any other authorized gambling equipment;

(c) Attorneys, accountants, and governmental affairs consultants whose primary business is providing professional services that are unrelated to the management or operation of gambling activities; and

(d) Persons that only provide nonmanagement related recordkeeping services for punch board and pull-tab operators, when the combined total gross billings from such services does not exceed twenty thousand dollars during any calendar year.

WAC 230-02-206 GAMBLING SERVICE SUPPLIER REPRESENTATIVE DEFINED. A "gambling service supplier representative" is any natural person who:

(1) Represents a licensed gambling service supplier and who is directly involved in providing a service listed in WAC 230-02-205(1);

(2) Instructs card room activities to students enrolled in a university or college regulated by the Washington state board of community and technical colleges, and the higher education coordinating board when such instruction covers dealer procedures as opposed to general casino management.

WAC 230-02-415 CARD ROOM EMPLOYEE DEFINED.

A "card room employee" is any person who is involved in the operation of social card games conducted by a card room when such games involve the collection of fees.

Individuals who only perform duties of bartenders, waitresses or similar functions limited to providing food and drink service within the card room portion of the licensed premises are not "card room employees." Persons performing at least the following functions shall be designated as card room employees:

(1) Collecting fees;

(2) Dealing;

(3) Supervising any card game or card room employee, such as acting as a pit boss, floor person, section supervisor, etc.;

(4) Cashier duties such as selling or redeeming chips;

(5) Surveillance of dealers and card games to detect cheating or control functions;

(6) Controlling card room funds including keys to secure locations;

(7) Facilitating any part of the operation of a card game.

WAC 230-04-140 LICENSING OF PUBLIC CARD ROOM EMPLOYEES – PROCEDURES – EXCEPTIONS.

Except as provided for in this section, no person shall act as a public card room employee in a Class E, F, or house-banked card room unless such person has received a license from the commission. Public card room operators shall not employ any unlicensed person to perform duties for which a license is required and shall take all measures to prevent an unlicensed person from doing so. The following procedures and exceptions apply to card room employee licenses:

Applicants working prior to licensure.

(1) Individuals may perform card room duties prior to receiving a card room employee license if:

(a) They have properly submitted a completed card room employee application to the commission and met all the requirements set forth in this subsection. For purposes of this section, an application shall be deemed complete when all requested data has been entered on the form, all questions are fully and truthfully answered, all attachments are included and the application is accompanied by the required fees. An application shall be deemed received when delivered to the commission's headquarters office during normal business hours or deposited in the U.S. mail properly addressed to the commission;

(b) Commission staff has performed basic criminal background procedures prior to any duties being performed. To assure adequate time for such investigation, applicants shall not be allowed to perform card room duties until at least ten days has elapsed from the date of application or notification by the commission that the card room employee may begin to work: Provided, That commission staff may waive the ten-day waiting period. Such a waiver shall only be granted if:

(i) An employer can demonstrate an urgent and unexpected need for such employee;

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(ii) The failure to grant such waiver would result in business closure or weaken the control structure of the activity;

(iii) The circumstances causing the need for a waiver was beyond the control of the licensee;

(iv) Commission staff is able to complete expedited review procedures; and

(v) The fee for such waiver is paid per WAC 230-04-204; and

(c) They are not restricted by subsection (2) of this section.

Applicants not allowed to work prior to licensure.

(2) An individual shall not be allowed to work prior to receiving a card room employee license if:

(a) The commission has previously revoked a license or denied an application by that individual; or

(b) They have been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.075, 9.46.158, and WAC 230-04-400; or

(c) The applicant:

(i) Has administrative or criminal charges pending;

(ii) Is awaiting results of an administrative hearing, criminal trial or appeal;

(iii) Is serving a period of probation or otherwise under court supervision; or

(iv) Is subject to an arrest warrant.

Unqualified card room employees – suspension of duties.

(3) Once the commission notifies a card room operator that an employee is not qualified to work without a license, the operator shall immediately suspend the applicant employee from all card room related duties.

Fees for applicants working prior to licensure.

(4) If an applicant elects to perform the duties of a card room employee prior to receiving a license as authorized under the provisions of this section, the commission shall retain the entire application fee regardless of the disposition of the application.

Owners not required to be licensed as a card room employee.

(5) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation or member of a limited liability company licensed to operate a public card room shall not be required to be additionally licensed as a card room employee to perform duties in connection with the card room.

Employer shall sign application.

(6) The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the application of each such card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

License shall be valid for one year.

(7) A card room employee license shall be valid for a period not to exceed one year from the date a license is

issued or the date of the application if the applicant works prior to receiving a license.

Employer shall maintain copies of all licenses.

(8) A licensed operator shall maintain a photocopy of each card room employee's license, or application if a license has not been issued, on the licensed premises at all times. Such photocopy shall be available for inspection by commission staff or other law enforcement personnel upon request.

Working for an additional employer or changing employers – fees.

(9) A card room employee may work for an additional employer or change employers after all requirements of WAC 230-04-142 have been met. The required notification forms, as set forth in WAC 230-04-142, shall be maintained by the employing organization as required by subsection (8) of this section. The fee for changing employers shall be as set forth in WAC 230-04-204.

Class III employees working as a card room employee – fees.

(10) A certified Class III gaming employee may work as a card room employee after all requirements of WAC 230-04-142 have been met. The fee for a conversion shall be as set forth in WAC 230-04-204.

WAC 230-04-142 NOTIFICATION TO THE COMMISSION UPON BEGINNING, TERMINATING, OR CHANGING EMPLOYMENT – PUBLIC CARD ROOM EMPLOYEES. A licensed public card room operator shall notify the commission in writing when a card room employee has begun work in the card room or has terminated employment for any reason.

(1) The notification shall be submitted on a form provided by the commission.

(2) Each notification shall be completed on or before the card room employee's first day of work or when the employer determines the card room employee will no longer be working, as applicable, and shall reach the administrative office of the commission in Lacey, not later than 5 p.m. on the seventh business day following the employee's first day of work or last day of work, as applicable.

(3) The fee for transferring, adding, or converting from Class III shall be set forth in WAC 230-04-204 and will be paid by the card room employee at the time of license renewal.

(4) This rule shall not apply to persons operating a public card room under a Class B or Class D license only.

WAC 230-04-220 PRORATING AND REFUNDING OF FEES. (1) Unless otherwise provided by law, there will be no prorating or refunding of any license fee subsequent to issuance of a license or permit for the following actions:

(a) Discontinuation of business;

(b) Voluntary surrender of a license or permit and

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(c) When - a license or permit has been suspended, revoked, or otherwise canceled.

(2) Upon denial, voluntary withdrawal or administrative closure of an application for license, adoption or change of trade name, or change of location, the commission shall retain that portion of the fee tendered therewith as is necessary to offset its costs of processing and investigating the application: Provided, that the commission shall retain the entire fee when an individual license applicant performs any or all portions of the duties for which a permanent license is sought

WAC 230-04-400 DENIAL, SUSPENSION OR REVOCATION OF LICENSES. The commission may deny a license or permit to any applicant, or may suspend or revoke any and all licenses or permits of any holder, when the applicant or holder, or any other person with any interest in the applicant or holder:

(1) Commits any act that constitutes grounds under RCW 9.46.075 for denying, suspending, or revoking licenses or permits;

(2) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person, whether any of these crimes is a misdemeanor or felony;

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required gambling tax payments to local taxing authorities, as supported by a petition submitted by the local taxing authority;

(4) Is serving a period of probation or community supervision imposed as a sentence for any criminal offense, whether juvenile, misdemeanor, or felony, and whether or not the offense is covered under RCW 9.46.075(4): *Provided*, That each case will be individually analyzed to determine the extent to which the probationary or supervisory status affects the person's qualifications to hold a license or permit;

(5) Is the subject of an outstanding gross misdemeanor or felony arrest warrant;

(6) Poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations;

(7) When other than a charitable or nonprofit organization operates punch boards or pull-tabs, or operates or allows card games at any time other than as a commercial stimulant;

(8) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule then within thirty days after receiving a written request therefor from the commission or its staff;

(9) Allows any person to participate in the management or operation of any activity regulated by the commission without prior written approval of the commission or its director when that person:

(a) Has been convicted of, pleaded guilty. to, or forfeited bond upon any of the offenses set out in RCW 9.46.075(4);

(b) Has violated any other provisions of chapter 9.46 RCW or Title 230 WAC; or

(c) Would otherwise be subject to denial or revocation under the provisions of this section.

(10) If a supplier, manufacturer, financier, or management company knowingly provides or provided goods or services to an entity that is illegally operating gambling activities or was illegally operating gambling activities at the time such goods or services were provided; and

(11) Commits any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or permits.

WAC 230-04-450 DISPLAY OF LICENSES. All licenses or permits granted by the commission shall be prominently displayed in the licensee's gaming area and available for inspection by commission staff, law enforcement agents and the public at all times: Provided, That individual licenses, as set forth in WAC 230-04-204, shall not be required to be on display but must be available to the public upon request.

WAC 230-04-455 EMPLOYEES TO WEAR IDENTIFICATION TAGS. Each employee required to obtain a license from the commission shall wear an identification tag at all times while working or playing in the gambling activity on the employer's premises. The identification tag shall be a minimum of 3" X 2" and shall display the employee's name and the name of the gambling operator or establishment. All information on the identification tag shall be clear and easily visible to the players in the gambling activity. The identification tag shall be worn on the employee's chest. It shall be furnished to the employee by the operator, who shall be equally responsible with the employee to insure the identification tag is displayed as required by this rule.

While playing cards off-duty on the employer's premises the licensed employee must wear the identification tag unless a sign is clearly posted in the card room as follows: "Employees of this card room may participate in the card games while off-duty as players. Upon your request, the card room floor person will identify any employee playing cards."

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WAC 230-40-250 LICENSEE TO PREVENT CHEATING IN CARD GAMES. A licensee to allow certain premises to be used to play cards and his employees or agents shall not allow any player to play in such a manner as to cheat the persons with whom he is playing. The licensee shall take all necessary steps to prevent this and shall be responsible to insure that the games played upon the licensed premises are fairly played. Any incident wherein a person is found cheating shall be reported immediately to the applicable local police or sheriff's office.

WAC 230-40-450 PICTURES TO BE POSTED WITH EMPLOYEE LICENSES. The operator of a licensed public card room shall post together with each of the licenses of employees for which licenses are required a picture of that employee. Such picture shall be of a passport type not less than 2" x 3" and clearly showing a full front facial view.

RCW 9.46.158 APPLICANTS, LICENSEES, OPERATORS – COMMISSION APPROVAL FOR HIRING CERTAIN PERSONS. No applicant for a license from, nor licensee of, the commission, nor any operator of any gambling activity, shall, without advance approval of the commission, knowingly permit any person to participate in the management or operation of any activity for which a license from the commission is required or which is otherwise authorized by this chapter if that person:

(1) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude; or

(2) Has violated, failed, or refused to comply with provisions, requirements, conditions, limitations or duties imposed by this chapter, and any amendments thereto, or any rules adopted by the commission pursuant thereto, or has permitted, aided, abetted, caused, or conspired with another to cause, any person to violate any of the provisions of this chapter or rules of the commission.